

**IDAPA 31—IDAHO PUBLIC UTILITIES COMMISSION**  
**31.71.02—RAILROAD ACCIDENT REPORTING RULES**

**DOCKET NO. 31-7102-0201**  
**NOTICE OF PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given of the Public Utilities Commission's proposed rulemaking. This action is authorized pursuant to Sections 61-515, 61-113, and 61-129, Idaho Code, and 49 C.F.R. § 225.1.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be scheduled only if requested in writing by twenty-five (25) persons, political subdivision, or an agency, no later than September 18, 2002. The hearing site will be accessible to persons with disabilities. Requests for accommodations must be made no later than five (5) days prior to the hearing, to the Commission's address set out below.

**DESCRIPTIVE SUMMARY:** In December 2001, the Federal Railroad Administration (FRA) increased the monetary threshold used by railroads for reporting accidents and incidents to the FRA and the Idaho Public Utilities Commission. In its final rule, the FRA increased the reporting threshold for property damage to \$6,700 effective January 1, 2002. The FRA's final rule amended portions of 49 C.F.R. Part 225 which has been adopted by the Commission in its Railroad Accident Reporting Rule 101, IDAPA 31.71.02.101. The Commission is also proposing two housekeeping changes. The Commission is proposing to add a new Rule 8 (Incorporation by Reference) and to correct a citation to the Idaho Code.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.0811, negotiated rulemaking was not conducted because the proposed rule merely adopts existing federal safety regulations pertaining to the reporting of railroad accidents and incidents.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General at (208) 334-0312.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or must be postmarked on or before September 25, 2002.

DATED at Boise, Idaho this            day of July 2002.

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Commission Secretary  
Idaho Public Utilities Commission  
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